

HOUSE _____ AMENDMENT NO. _____

Offered By

AMEND Senate Committee Substitute for Senate Bill No. 788, Page 2, Section A, Line 27 by
inserting after said line the following:

"21.840. 1. There is established a joint committee of the general assembly to be known as
the "Joint Committee on Preneed Funeral Contracts" to be composed of seven members of the
senate and seven members of the house of representatives. The senate members of the joint
committee shall be appointed by the president pro tem and minority floor leader of the senate and
the house members shall be appointed by the speaker and minority floor leader of the house of
representatives. The appointment of each member shall continue during the member's term of
office as a member of the general assembly or until a successor has been appointed to fill the
member's place when his or her term of office as a member of the general assembly has expired.
No party shall be represented by more than four members from the house of representatives nor
more than four members from the senate. A majority of the committee shall constitute a quorum,
but the concurrence of a majority of the members shall be required for the determination of any
matter within the committee's duties.

2. The joint committee shall:

(1) Make a comprehensive study and analysis of the consumer and economic impact on
the preneed funeral contract industry in the state of Missouri;

(2) Determine from its study and analysis the need for changes in statutory law; and

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1 (4) Make any other recommendation to the general assembly relating to its findings.

2 3. The joint committee shall meet within thirty days after its creation and organize by
3 selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and
4 the other a member of the house of representatives.

5 4. The committee may meet at locations other than Jefferson City when the committee
6 deems it necessary.

7 5. The committee shall be staffed by legislative personnel as is deemed necessary to assist
8 the committee in the performance of its duties.

9 6. The members of the committee shall serve without compensation but shall be entitled
10 to reimbursement for actual and necessary expenses incurred in the performance of their official
11 duties.

12 7. It shall be the duty of the committee to compile a full report of its activities for
13 submission to the general assembly. The report shall be submitted not later than January 31,
14 2009, and shall include any recommendations which the committee may have for legislative
15 action as well as any recommendations for administrative or procedural changes in the internal
16 management or organization of state or local government agencies and departments. Copies of
17 the report containing such recommendations shall be sent to the appropriate directors of state or
18 local government agencies or departments included in the report.

19 8. The provisions of this section shall expire on January 31, 2009."; and

20 Further amend said bill, Page13, Section148.330, Line 68 by inserting after said line the
21 following:

22 "194.119. 1. As used in this section, the term "right of sepulcher" means the right to
23 choose and control the burial, cremation, or other final disposition of a dead human body.

24 2. For purposes of this chapter and chapters 193, 333, and 436, RSMo, and in all cases
25 relating to the custody, control, and disposition of deceased human remains, including the
26 common law right of sepulcher, where not otherwise defined, the term "next-of-kin" means the
27 following persons in the priority listed if such person is eighteen years of age or older, is mentally
28 competent, and is willing to assume responsibility for the costs of disposition:

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1 (1) An attorney in fact designated in a durable power of attorney wherein the deceased
2 specifically granted the right of sepulcher over his or her body to such attorney in fact;

3 ____ (2) The surviving spouse;

4 [(2)] (3) Any surviving child of the deceased. If a surviving child is less than eighteen
5 years of age and has a legal or natural guardian, such child shall not be disqualified on the basis of
6 the child's age and such child's legal or natural guardian, if any, shall be entitled to serve in the
7 place of the child unless such child's legal or natural guardian was subject to an action in
8 dissolution from the deceased. In such event the person or persons who may serve as next-of-kin
9 shall serve in the order provided in subdivisions [(3)] (4) to (8) of this subsection;

10 [(3)] (4) (a) Any surviving parent of the deceased; or

11 (b) If the deceased is a minor, a surviving parent who has custody of the minor; or

12 (c) If the deceased is a minor and the deceased's parents have joint custody, the parent
13 whose residence is the minor child's residence for purposes of mailing and education;

14 [(4)] (5) Any surviving sibling of the deceased;

15 [(5) Any person designated by the deceased to act as next-of-kin pursuant to a valid
16 designation of right of sepulcher as provided in subsection 8 of this section;]

17 (6) The next nearest surviving relative of the deceased by consanguinity or affinity;

18 (7) Any person or friend who assumes financial responsibility for the disposition of the
19 deceased's remains if no next-of-kin assumes such responsibility;

20 (8) The county coroner or medical examiner; provided however that such assumption of
21 responsibility shall not make the coroner, medical examiner, the county, or the state financially
22 responsible for the cost of disposition.

23 3. The next-of-kin of the deceased shall be entitled to control the final disposition of the
24 remains of any dead human being consistent with all applicable laws, including all applicable
25 health codes.

26 4. A funeral director or establishment is entitled to rely on and act according to the lawful
27 instructions of any person claiming to be the next-of-kin of the deceased; provided however, in
28 any civil cause of action against a funeral director or establishment licensed pursuant to this

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chapter for actions taken regarding the funeral arrangements for a deceased person in the director's or establishment's care, the relative fault, if any, of such funeral director or establishment may be reduced if such actions are taken in reliance upon a person's claim to be the deceased person's next-of-kin.

5. Any person who desires to exercise the right of sepulcher and who has knowledge of an individual or individuals with a superior right to control disposition shall notify such individual or individuals prior to making final arrangements.

6. If an individual with a superior claim is personally served with written notice from a person with an inferior claim that such person desires to exercise the right of sepulcher and the individual so served does not object within forty-eight hours of receipt, such individual shall be deemed to have waived such right. An individual with a superior right may also waive such right at any time if such waiver is in writing and dated.

7. If there is more than one person in a class who are equal in priority and the funeral director has no knowledge of any objection by other members of such class, the funeral director or establishment shall be entitled to rely on and act according to the instructions of the first such person in the class to make arrangements; provided that such person assumes responsibility for the costs of disposition and no other person in such class provides written notice of his or her objection.

[8. Any person may designate an individual to be his or her closest next-of-kin, regardless of blood or marital relationship, by means of a written instrument that is signed, dated, and verified. Such designation of right of sepulcher shall be witnessed by two persons, and shall contain the names and last known address of each person entitled to be next-of-kin but for the execution of the designation of right of sepulcher and who are higher in priority than the person so designated.]

333.011. As used in this chapter, unless the context requires otherwise, the following terms have the meanings indicated:

- (1) "Board", the state board of embalmers and funeral directors created by this chapter;
- (2) "Embalmer", any individual licensed to engage in the practice of embalming;

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(3) "Funeral director", any individual licensed to engage in the practice of funeral directing;

(4) "Funeral establishment", a building, place, crematory, or premises devoted to or used in the care and preparation for burial or transportation of the human dead and includes every building, place or premises maintained for that purpose or held out to the public by advertising or otherwise to be used for that purpose;

(5) "Person" includes a corporation, partnership or other type of business organization;

(6) "Practice of embalming", the work of preserving, disinfecting and preparing by arterial embalming, [or otherwise,] including the chemical preparation of a dead human body for disposition. Practice of embalming includes all activities leading up to and including arterial and cavity embalming, including but not limited to raising of vessels and suturing of incisions of dead human bodies for funeral services, transportation, burial or cremation, or the holding of oneself out as being engaged in such work;

(7) "Practice of funeral directing", engaging by an individual in the business of preparing, otherwise than by embalming, for the burial, disposal or transportation out of this state of, and the directing and supervising of the burial or disposal of, dead human bodies or engaging in the general control, supervision or management of the operations of a funeral establishment.

334.500. As used in sections 334.500 to 334.685, the following terms mean:

(1) "Board", the state board of registration for the healing arts in the state of Missouri;

(2) "Physical therapist assistant", a person who is licensed as a physical therapist assistant by the board or a person who was actively engaged in practice as a physical therapist assistant on August 28, 1993;

(3) "Physical therapist", a person who is licensed to practice physical therapy;

(4) "Practice of physical therapy", the examination, treatment and instruction of human beings to assess, prevent, correct, alleviate and limit physical disability, movement dysfunction, bodily malfunction and pain from injury, disease and any other bodily condition, such term includes, but is not limited to, the administration, interpretation and evaluation of physical therapy tests and measurements of bodily functions and structures; the planning, administration,

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1 evaluation and modification of treatment and instruction, including the use of physical measures,
2 activities and devices, for preventive and therapeutic purposes; and the provision of consultative,
3 educational, research and other advisory services for the purpose of reducing the incidence and
4 severity of physical disability, movement dysfunction, bodily malfunction and pain does not
5 include the use of surgery or obstetrics or the administration of x-radiation, radioactive substance,
6 diagnostic x-ray, diagnostic laboratory electrocautery, electrosurgery or invasive tests or the
7 prescribing of any drug or medicine or the administration or dispensing of any drug or medicine
8 other than a topical agent administered or dispensed upon the direction of a physician. Physical
9 therapists may perform electromyography and nerve conduction tests but may not interpret the
10 results of the electromyography or nerve conduction test. Physical therapists shall practice
11 physical therapy within the scope of their education and training as provided in sections 334.500
12 to 334.620."; and

13 Further amend said bill, Page 59, Section 334.400, Line 35 by inserting after said line the
14 following:

15 "334.506. 1. [Nothing in this chapter shall prevent a physical therapist, whose license is
16 in good standing, from providing educational resources and training, developing fitness or
17 wellness programs for asymptomatic persons, or providing screening or consultative services
18 within the scope of physical therapy practice without the prescription and direction of a person
19 licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor
20 pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist
21 pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist
22 practicing in another jurisdiction, whose license is in good standing, except that no physical
23 therapist shall initiate treatment for a new injury or illness without the prescription or direction of
24 a person licensed and registered as a physician and surgeon pursuant to this chapter, as a
25 chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a
26 podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or
27 podiatrist practicing in another jurisdiction, whose license is in good standing.

28 2. Nothing in this chapter shall prevent a physical therapist, whose license is in good

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standing, from examining and treating, without the prescription and direction of a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing, any person with a recurring, self-limited injury within one year of diagnosis by a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing, or any person with a chronic illness that has been previously diagnosed by a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing, except that a physical therapist shall contact the patient's current physician, chiropractor, dentist, or podiatrist, within seven days of initiating physical therapy services, pursuant to this subsection, shall not change an existing physical therapy referral available to the physical therapist without approval of the patient's current physician, chiropractor, dentist, or podiatrist, and shall refer to a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing, any patient whose medical condition should, at the time of examination or treatment, be determined to be beyond the scope of practice of physical therapy. A physical therapist shall refer to a person licensed and registered as a physician and surgeon pursuant to this chapter, as a chiropractor pursuant to chapter 331, RSMo, as a dentist pursuant to chapter 332, RSMo, or as a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing, any person whose condition, for which physical therapy

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1 services are rendered pursuant to this subsection, has not been documented to be progressing
2 toward documented treatment goals after six visits or fourteen days, whichever shall come first. If
3 the person's condition for which physical therapy services are rendered under this subsection shall
4 be documented to be progressing toward documented treatment goals, a physical therapist may
5 continue treatment without referral from a physician, chiropractor, dentist or podiatrist, whose
6 license is in good standing. If treatment rendered under this subsection is to continue beyond
7 thirty days, a physical therapist shall notify the patient's current physician, chiropractor, dentist, or
8 podiatrist before continuing treatment beyond the thirty-day limitation. A physical therapist shall
9 also perform such notification before continuing treatment rendered under this subsection for each
10 successive period of thirty days.] As used in this section, "approved health care provider" means a
11 person holding a current and active license as a physician and surgeon under this chapter, a
12 chiropractor under chapter 331, RSMo, a dentist under chapter 332, RSMo, a podiatrist under
13 chapter 330, RSMo, a physician assistant under this chapter, or any licensed and registered
14 physician, chiropractor, dentist, or podiatrist practicing in another jurisdiction whose license is in
15 good standing.

16 2. A physical therapist shall not initiate treatment for a new injury or illness without a
17 prescription from an approved health care provider.

18 3. A physical therapist may provide educational resources and training, develop fitness or
19 wellness programs for asymptomatic persons, or provide screening or consultative services within
20 the scope of physical therapy practice without the prescription and direction of an approved health
21 care provider.

22 4. A physical therapist may examine and treat without the prescription and direction of an
23 approved health care provider any person with a recurring self-limited injury within one year of
24 diagnosis by an approved health care provider or a chronic illness that has been previously
25 diagnosed by an approved health care provider. The physical therapist shall:

26 (1) Contact the patient's current approved health care provider within seven days of
27 initiating physical therapy services under this subsection;

28 (2) Not change an existing physical therapy referral available to the physical therapist

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1 without approval of the patient's current approved health care provider;

2 (3) Refer to an approved health care provider any patient whose medical condition at the
3 time of examination or treatment is determined to be beyond the scope of practice of physical
4 therapy;

5 (4) Refer to an approved health care provider any patient whose condition for which
6 physical therapy services are rendered under this subsection has not been documented to be
7 progressing toward documented treatment goals after six visits or fourteen days, whichever first
8 occurs;

9 (5) Notify the patient's current approved health care provider prior to the continuation of
10 treatment if treatment rendered under this subsection is to continue beyond thirty days. The
11 physical therapist shall provide such notification for each successive period of thirty days.

12 [3.] 5. The provision of physical therapy services of evaluation and screening pursuant to
13 this section shall be limited to a physical therapist, and any authority for evaluation and screening
14 granted within this section may not be delegated. Upon each reinitiation of physical therapy
15 services, a physical therapist shall provide a full physical therapy evaluation prior to the
16 reinitiation of physical therapy treatment. Physical therapy treatment provided pursuant to the
17 provisions of subsection [2] 4 of this section, may be delegated by physical therapists to physical
18 therapist assistants only if the patient's current [physician, chiropractor, dentist, or podiatrist]
19 approved health care provider has been so informed as part of the physical therapist's seven-day
20 notification upon reinitiation of physical therapy services as required in subsection [2] 4 of this
21 section. Nothing in this subsection shall be construed as to limit the ability of physical therapists
22 or physical therapist assistants to provide physical therapy services in accordance with the
23 provisions of this chapter, and upon the referral of [a physician and surgeon licensed pursuant to
24 this chapter, a chiropractor pursuant to chapter 331, RSMo, a dentist pursuant to chapter 332,
25 RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician,
26 dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing] an
27 approved health care provider. Nothing in this subsection shall prohibit [a person licensed or
28 registered as a physician or surgeon licensed pursuant to this chapter, a chiropractor pursuant to

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chapter 331, RSMo, a dentist pursuant to chapter 332, RSMo, or a podiatrist pursuant to chapter 330, RSMo, or any licensed and registered physician, dentist, or podiatrist practicing in another jurisdiction, whose license is in good standing,] an approved health care provider from acting within the scope of their practice as defined by the applicable chapters of RSMo.

[4.] 6. No person licensed to practice, or applicant for licensure, as a physical therapist or physical therapist assistant shall make a medical diagnosis.

7. A physical therapist shall only delegate physical therapy treatment to a physical therapist assistant or to a person in an entry level of a professional education program approved by the Commission for Accreditation of Physical Therapists and Physical Therapist Assistant Education (CAPTE) who satisfy supervised clinical education requirements related to the person's physical therapist or physical therapist assistant education. The entry level person shall be under onsite supervision of a physical therapist.

334.525. 1. Notwithstanding any other provision of law to the contrary, any person licensed as a physical therapist or physical therapist assistant under this chapter may apply to the state board of registration for the healing arts for an inactive license status on a form furnished by the board. Upon receipt of the completed inactive status application form and the board's determination that the licensee meets the requirements established by the board by rule, the board shall declare the licensee inactive and shall place the licensee on an inactive status list. A person whose license is inactive or who has discontinued his or her practice because of retirement shall not practice his or her profession within this state. Such person may continue to use the title of his or her profession or the initials of his or her profession after such person's name.

2. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of his or her intention, paying the appropriate fees, and meeting all established requirements of the board as a condition of reinstatement.

334.530. 1. A candidate for license to practice as a physical therapist shall be at least twenty-one years of age. A candidate shall furnish evidence of such person's good moral character and the person's educational qualifications by submitting satisfactory evidence of completion of a program of physical therapy education approved as reputable by the board. A candidate who

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1 presents satisfactory evidence of the person's graduation from a school of physical therapy
2 approved as reputable by the American Medical Association or, if graduated before 1936, by the
3 American Physical Therapy Association, or if graduated after 1988, the Commission on
4 Accreditation for Physical Therapy Education or its successor, is deemed to have complied with
5 the educational qualifications of this subsection.

6 2. Persons desiring to practice as physical therapists in this state shall appear before the
7 board at such time and place as the board may direct and be examined as to their fitness to engage
8 in such practice. Applications for examination shall be in writing, on a form furnished by the
9 board and shall include evidence satisfactory to the board that the applicant possesses the
10 qualifications set forth in subsection 1 of this section. Each application shall contain a statement
11 that it is made under oath or affirmation and that its representations are true and correct to the best
12 knowledge and belief of the [person signing the statement] applicant, subject to the penalties of
13 making a false affidavit or declaration.

14 3. [The board shall not issue a permanent license to practice as a physical therapist or
15 allow any person to sit for the Missouri state board examination for physical therapists who has
16 failed three or more times any physical therapist licensing examination administered in one or
17 more states or territories of the United States or the District of Columbia.

18 4. The board may waive the provisions of subsection 3 if the applicant has met one of the
19 following provisions:

20 (1) The applicant is licensed and has maintained an active clinical practice for the
21 previous three years in another state of the United States, the District of Columbia or Canada and
22 the applicant has achieved a passing score on a licensing examination administered in a state or
23 territory of the United States, the District of Columbia and no license issued to the applicant has
24 been disciplined or limited in any state or territory of the United States, the District of Columbia
25 or Canada;

26 (2) The applicant has failed the licensure examination three times or more and then
27 obtains a professional degree in physical therapy at a level higher than previously completed, the
28 applicant can sit for the licensure examination three additional times.

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1 5.] The examination of qualified candidates for licenses to practice physical therapy shall
2 [include a written examination and shall embrace the subjects taught in reputable programs of
3 physical therapy education, sufficiently strict to test the qualifications of the candidates as
4 practitioners] test entry-level competence as related to physical therapy theory, examination and
5 evaluation, physical therapy diagnosis, prognosis, treatment, intervention, prevention, and
6 consultation.

7 [6.] 4. The examination shall embrace, in relation to the human being, the subjects of
8 anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy
9 theory and procedures as related to medicine, surgery and psychiatry, and such other subjects,
10 including medical ethics, as the board deems useful to test the fitness of the candidate to practice
11 physical therapy.

12 5. The applicant shall pass a test administered by the board on the laws and rules related
13 to the practice of physical therapy in Missouri.

14 334.540. 1. The board shall issue a license to any physical therapist who [is licensed]
15 possesses an active license in another jurisdiction and who has had no violations, suspensions or
16 revocations of a license to practice physical therapy in any jurisdiction, provided that, such person
17 is licensed in a jurisdiction whose requirements are substantially equal to, or greater than, the
18 requirements for licensure of physical therapists in Missouri at the time the applicant applies for
19 licensure.

20 2. Every applicant for a license pursuant to this section, upon making application and
21 showing the necessary qualifications as provided in subsection 1 of this section, shall be required
22 to pay the same fee as the fee required to be paid by applicants who apply to take the examination
23 before the board. Within the limits provided in this section, the board may negotiate reciprocal
24 compacts with licensing boards of other states for the admission of licensed practitioners from
25 Missouri in other states.

26 3. [Notwithstanding the provisions of subsections 1 and 2 of this section, the board shall
27 not issue a license to any applicant who has failed three or more times any physical therapist
28 licensing examination administered in one or more states or territories of the United States or the

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4. The board may waive the provisions of subsection 3 if the applicant has met one of the following provisions:

(1) The applicant is licensed and has maintained an active clinical practice for the previous three years in another state of the United States, the District of Columbia or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States, the District of Columbia and no license issued to the applicant has been disciplined or limited in any state or territory of the United States, the District of Columbia or Canada;

(2) The applicant has failed the licensure examination three times or more and then obtains a professional degree in physical therapy at a level higher than previously completed, the applicant can sit for the licensure examination three additional times] The applicant shall pass a test administered by the board on the laws and rules related to practice of physical therapy in Missouri.

334.550. 1. An applicant who has not been previously examined in this state or another jurisdiction and meets the qualifications of subsection 1 of section 334.530, or an applicant applying for reinstatement of an inactive license under a supervised active practice, may pay a temporary license fee and submit an agreement-to-supervise form, which is signed by the applicant's supervising physical therapist, to the board and obtain without examination a nonrenewable temporary license. Such temporary licensee may only engage in the practice of physical therapy under the supervision of a licensed physical therapist. The supervising physical therapist shall hold an unencumbered license to practice physical therapy in this state and shall provide the board proof of active clinical practice in this state for a minimum of one year prior to supervising a temporary licensee. The supervising physical therapist shall not be an immediate family member of the applicant. The board shall define immediate family member and the scope of such supervision by rules and regulations. The supervising physical therapist for the first-time examinee applicant shall submit to the board a signed notarized form prescribed by the board attesting that the applicant for temporary license shall begin employment at a location in this state

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1 within seven days of issuance of the temporary license. The supervising physical therapist shall
2 notify the board within three days if the temporary licensee's employment ceases. A licensed
3 physical therapist shall not supervise more than one temporary licensee.

4 2. The temporary license for the first-time examinee applicant shall expire on [either] the
5 date the applicant receives the results of the applicant's initial examination, the date the applicant
6 withdraws from sitting for the examination, the date the board is notified by the supervising
7 physical therapist that the temporary licensee's employment has ceased, or within ninety days of
8 its issuance, whichever occurs first.

9 3. The temporary license for the reinstatement applicant under the supervised active
10 practice shall expire effective one year from the date of issuance.

11 334.560. The board shall charge each person who applies for examination for a license to
12 practice as a physical therapist an examination fee. Should the examination prove unsatisfactory
13 and the board refuse to issue a license thereon, the applicant failing to pass the examination may
14 reapply [and return to any meeting] and be examined upon payment of a reexamination fee[; but
15 no temporary license may be issued to such persons].

16 334.570. 1. Every person licensed under sections 334.500 to 334.620 shall, on or before
17 the registration renewal date, apply to the board for a certificate of registration for the ensuing
18 licensing period. The application shall be made under oath on a form furnished to the applicant
19 [and shall state] by the board. The application shall include, but not be limited to, disclosure of
20 the following:

21 (1) The applicant's full name [and the address at which the person practices and the
22 address at which the person resides and the date and number of such person's license];

23 (2) The applicant's office address or addresses and telephone number or numbers;

24 (3) The applicant's home address and telephone number;

25 (4) The date and number of the applicant's license;

26 (5) All final disciplinary actions taken against the applicant by any professional
27 association or society, licensed hospital or medical staff of a hospital, physical therapy facility,
28 state, territory, federal agency or county; and

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1 (6) Information concerning the applicant's current physical and mental fitness to practice
2 his or her profession.

3
4 The applicant may be required to successfully complete a test administered by the board on the
5 laws and rules related to the practice of physical therapy. The test process, dates, and passing
6 scores shall be established by the board by rule.

7 2. A [blank form] notice for application for registration shall be [mailed] made available
8 to each person licensed in this state [at the person's last known address of practice or residence].
9 The failure to [mail the form of application or the failure to receive it] receive the notice does not,
10 however, relieve any person of the duty to register and pay the fee required by sections 334.500 to
11 334.620 nor exempt such person from the penalties provided by sections 334.500 to 334.620 for
12 failure to register.

13 3. If a physical therapist does not renew such license for two consecutive renewal periods,
14 such license shall be deemed void.

15 4. Each applicant for registration shall accompany the application for registration with a
16 registration fee to be paid to the director of revenue for the licensing period for which registration
17 is sought.

18 5. If the application is filed and the fee paid after the registration renewal date, a
19 delinquent fee shall be paid; except that, whenever in the opinion of the board the applicant's
20 failure to register is caused by extenuating circumstances including illness of the applicant, as
21 defined by rule, the delinquent fee may be waived by the board.

22 6. Upon application and submission by such person of evidence satisfactory to the board
23 that such person is licensed to practice in this state and upon the payment of fees required to be
24 paid by this chapter, the board shall issue to such person a certificate of registration. The
25 certificate of registration shall contain the name of the person to whom it is issued and his or her
26 office address, the expiration date, and the number of the license to practice.

27 7. Upon receiving such certificate, every person shall cause the certificate to be readily
28 available or conspicuously displayed at all times in every practice location maintained by such

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1 person in the state. If the licensee maintains more than one practice location in this state, the
2 board shall, without additional fee, issue to such licensee duplicate certificates of registration for
3 each practice location so maintained. If any licensee changes practice locations during the period
4 for which any certificate of registration has been issued, the licensee shall, within fifteen days
5 thereafter, notify the board of such change and the board shall issue to the licensee, without
6 additional fee, a new registration certificate showing the new location.

7 8. Whenever any new license is granted to any physical therapist or physical therapist
8 assistant under the provisions of this chapter, the board shall, upon application therefore, issue to
9 such physical therapist or physical therapist assistant a certificate of registration covering a period
10 from the date of the issuance of the license to the next renewal date without the payment of any
11 registration fee.

12 334.601. The board shall set the amount of the fees which this chapter authorizes and
13 requires by rule. The fees shall be set at a level to produce revenue which shall not substantially
14 exceed the cost and expense of administering this chapter.

15 334.602. 1. Physical therapists and physical therapist assistants shall provide
16 documentation in order that an adequate and complete patient record can be maintained. All
17 patient records shall be legible and available for review and shall include at a minimum
18 documentation of the following information:

19 (1) Identification of the patient, including name, birthdate, address, and telephone
20 number;

21 (2) The date or dates the patient was seen;

22 (3) The current status of the patient, including the reason for the visit;

23 (4) Observation of pertinent physical findings;

24 (5) Assessment and clinical impression of physical therapy diagnosis;

25 (6) Plan of care and treatment;

26 (7) Documentation of progress toward goals;

27 (8) Informed consent;

28 (9) Discharge summary.

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1 2. Patient records remaining under the care, custody, and control of the licensee shall be
2 maintained by the licensee of the board, or the licensee's designee, for a minimum of seven years
3 from the date of when the last professional service was provided.

4 3. Any correction, addition, or change in any patient record shall be clearly marked and
5 identified as such, and the date, time, and name of the person making the correction, addition, or
6 change shall be included, as well as the reason for the correction, addition, or change.

7 4. The board shall not obtain a patient medical record without written authorization from
8 the patient to obtain the medical record or the issuance of a subpoena for the patient medical
9 record.

10 334.610. Any person who holds himself or herself out to be a physical therapist or a
11 licensed physical therapist within this state or any person who advertises as a physical therapist or
12 claims that the person can render physical therapy services and who, in fact, does not hold a valid
13 physical therapist license is guilty of a class B misdemeanor and, upon conviction, shall be
14 punished as provided by law. Any person who, in any manner, represents himself or herself as a
15 physical therapist, or who uses in connection with such person's name the words or letters
16 "physical therapist", "physiotherapist", "registered physical therapist", "doctor of physical
17 therapy", "P.T.", "Ph.T.", "P.T.T.", "R.P.T.", "D.P.T.", "M.P.T.", or any other letters, words,
18 abbreviations or insignia, indicating or implying that the person is a physical therapist without a
19 valid existing license as a physical therapist issued to such person pursuant to the provisions of
20 sections 334.500 to 334.620, is guilty of a class B misdemeanor. Nothing in sections 334.500 to
21 334.620 shall prohibit any person licensed in this state under chapter 331, RSMo, from carrying
22 out the practice for which the person is duly licensed, or from advertising the use of physiologic
23 and rehabilitative modalities; nor shall it prohibit any person licensed or registered in this state
24 under section 334.735 or any other law from carrying out the practice for which the person is duly
25 licensed or registered; nor shall it prevent professional and semiprofessional teams, schools,
26 YMCA clubs, athletic clubs and similar organizations from furnishing treatment to their players
27 and members. This section, also, shall not be construed so as to prohibit masseurs and masseuses
28 from engaging in their practice not otherwise prohibited by law and provided they do not represent

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1 themselves as physical therapists. This section shall not apply to physicians and surgeons licensed
2 under this chapter or to a person in an entry level of a professional education program approved by
3 the commission for accreditation of physical therapists and physical therapist assistant education
4 (CAPTE) who is satisfying supervised clinical education requirements related to the person's
5 physical therapist or physical therapist assistant education while under on-site supervision of a
6 physical therapist; or to a physical therapist who is practicing in the United States Armed
7 Services, United States Public Health Service, or Veterans Administration under federal
8 regulations for state licensure for health care providers.

9 334.611. Notwithstanding any other provision of law to the contrary, any qualified
10 physical therapist who is legally authorized to practice under the laws of another state may
11 practice as a physical therapist in this state without examination by the board or payment of any
12 fee if such practice consists solely of the provision of gratuitous services provided for a summer
13 camp or teaching or participating in a continuing educational seminar for a period not to exceed
14 fourteen days in any one calendar year. Nothing in sections 334.500 to 334.625 shall be construed
15 to prohibit isolated or occasional gratuitous service to and treatment of the afflicted or to prohibit
16 physical therapists from other nations, states, or territories from performing their duties for their
17 respective teams or organizations during the course of their teams' or organizations' stay in this
18 state.

19 334.612. 1. If the board finds merit to a complaint by an individual incarcerated or under
20 the care and control of the department of corrections and takes further investigative action, no
21 documentation shall appear on file or disciplinary action shall be taken in regards to the licensee's
22 license unless the provisions of subsection 2 of section 334.613 have been violated. Any case file
23 documentation that does not result in the board filing an action under subsection 2 of section
24 334.613 shall be destroyed within three months after the final case disposition by the board. No
25 notification to any other licensing board in another state or any national registry regarding any
26 investigative action shall be made unless the provisions of subsection 2 of section 334.613 have
27 been violated.

28 2. Upon written request of the physical therapist or physical therapist assistant subject to a

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1 complaint prior to August 28, 1999, by an individual incarcerated or under the care and control of
2 the department of corrections that did not result in the board filing an action described in
3 subsection 2 of section 334.613, the board and the division of professional registration shall in a
4 timely fashion:

- 5 (1) Destroy all documentation regarding the complaint;
6 (2) If previously notified of the complaint, notify any other licensing board in another
7 state or any national registry regarding the board's actions; and
8 (3) Send a letter to the licensee that clearly states that the board found the complaint to be
9 unsubstantiated, that the board has taken the requested action, and notify the licensee of the
10 provisions of subsection 3 of this section.

11 3. Any person who has been the subject of an unsubstantiated complaint as provided in
12 subsection 1 or 2 of this section shall not be required to disclose the existence of such complaint
13 in subsequent applications or representations relating to their practice.

14 334.613. 1. The board may refuse to issue or renew a license to practice as a physical
15 therapist or physical therapist assistant for one or any combination of causes stated in subsection 2
16 of this section. The board shall notify the applicant in writing of the reasons for the refusal and
17 shall advise the applicant of the applicant's right to file a complaint with the administrative
18 hearing commission as provided by chapter 621, RSMo. As an alternative to a refusal to issue or
19 renew a license to practice as a physical therapist or physical therapist assistant, the board may, at
20 its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant
21 for licensure for any one or any combination of causes stated in subsection 2 of this section. The
22 board's order of probation, limitation, or restriction shall contain a statement of the discipline
23 imposed, the basis therefor, the date such action shall become effective, and a statement that the
24 applicant has thirty days to request in writing a hearing before the administrative hearing
25 commission. If the board issues a probationary, limited, or restricted license to an applicant for
26 licensure, either party may file a written petition with the administrative hearing commission
27 within thirty days of the effective date of the probationary, limited, or restricted license seeking
28 review of the board's determination. If no written request for a hearing is received by the

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1 administrative hearing commission within the thirty-day period, the right to seek review of the
2 board's decision shall be considered as waived.

3 2. The board may cause a complaint to be filed with the administrative hearing
4 commission as provided by chapter 621, RSMo, against any holder of a license to practice as a
5 physical therapist or physical therapist assistant who has failed to renew or has surrendered his or
6 her license for any one or any combination of the following causes:

7 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic
8 beverage to an extent that such use impairs a person's ability to perform the work of a physical
9 therapist or physical therapist assistant;

10 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or
11 nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for
12 any offense reasonably related to the qualifications, functions, or duties of a physical therapist or
13 physical therapist assistant, for any offense an essential element of which is fraud, dishonesty, or
14 an act of violence, or for any offense involving moral turpitude, whether or not sentence is
15 imposed;

16 (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of
17 registration or authority, permit, or license issued under this chapter or in obtaining permission to
18 take any examination given or required under this chapter;

19 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional
20 conduct in the performance of the functions or duties of a physical therapist or physical therapist
21 assistant, including but not limited to the following:

22 (a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by
23 fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating
24 patients; or charging for sessions of physical therapy which did not occur unless the services were
25 contracted for in advance, or for services which were not rendered or documented in the patient's
26 records;

27 (b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to
28 obtain or retain a patient or discourage the use of a second opinion or consultation;

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- 1 (c) Willfully and continually performing inappropriate or unnecessary treatment or
2 services;
- 3 (d) Delegating professional responsibilities to a person who is not qualified by training,
4 skill, competency, age, experience, or licensure to perform such responsibilities;
- 5 (e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method,
6 procedure, treatment, medicine, or device;
- 7 (f) Performing services which have been declared by board rule to be of no physical
8 therapy value;
- 9 (g) Final disciplinary action by any professional association, professional society, licensed
10 hospital or medical staff of the hospital, or physical therapy facility in this or any other state or
11 territory, whether agreed to voluntarily or not, and including but not limited to any removal,
12 suspension, limitation, or restriction of the person's professional employment, malpractice, or any
13 other violation of any provision of this chapter;
- 14 (h) Administering treatment without sufficient examination, or for other than medically
15 accepted therapeutic or experimental or investigative purposes duly authorized by a state or
16 federal agency, or not in the course of professional physical therapy practice;
- 17 (i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual,
18 while a physical therapist or physical therapist assistant/patient relationship exists; making sexual
19 advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a
20 sexual nature with patients or clients;
- 21 (j) Terminating the care of a patient without adequate notice or without making other
22 arrangements for the continued care of the patient;
- 23 (k) Failing to furnish details of a patient's physical therapy records to treating physicians,
24 other physical therapists, or hospitals upon proper request; or failing to comply with any other law
25 relating to physical therapy records;
- 26 (l) Failure of any applicant or licensee, other than the licensee subject to the investigation,
27 to cooperate with the board during any investigation;
- 28 (m) Failure to comply with any subpoena or subpoena duces tecum from the board or an

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1 order of the board;

2 (n) Failure to timely pay license renewal fees specified in this chapter;

3 (o) Violating a probation agreement with this board or any other licensing agency;

4 (p) Failing to inform the board of the physical therapist's or physical therapist assistant's
5 current telephone number, residence, and business address;

6 (q) Advertising by an applicant or licensee which is false or misleading, or which violates
7 any rule of the board, or which claims without substantiation the positive cure of any disease, or
8 professional superiority to or greater skill than that possessed by any other physical therapist or
9 physical therapist assistant. An applicant or licensee shall also be in violation of this provision if
10 the applicant or licensee has a financial interest in any organization, corporation, or association
11 which issues or conducts such advertising;

12 (5) Any conduct or practice which is or might be harmful or dangerous to the mental or
13 physical health of a patient or the public; or incompetency, gross negligence, or repeated
14 negligence in the performance of the functions or duties of a physical therapist or physical
15 therapist assistant. For the purposes of this subdivision, "repeated negligence" means the failure,
16 on more than one occasion, to use that degree of skill and learning ordinarily used under the same
17 or similar circumstances by the member of the applicant's or licensee's profession;

18 (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling
19 any person to violate, any provision of this chapter, or of any lawful rule adopted under this
20 chapter;

21 (7) Impersonation of any person licensed as a physical therapist or physical therapist
22 assistant or allowing any person to use his or her license or diploma from any school;

23 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,
24 censure, probation, or other final disciplinary action against a physical therapist or physical
25 therapist assistant for a license or other right to practice as a physical therapist or physical
26 therapist assistant by another state, territory, federal agency or country, whether or not voluntarily
27 agreed to by the licensee or applicant, including but not limited to the denial of licensure,
28 surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the

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practice of physical therapy while subject to an investigation or while actually under investigation
by any licensing authority, medical facility, branch of the armed forces of the United States of
America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent
jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice who is not licensed
and currently eligible to practice under this chapter; or knowingly performing any act which in any
way aids, assists, procures, advises, or encourages any person to practice physical therapy who is
not licensed and currently eligible to practice under this chapter;

(11) Issuance of a license to practice as a physical therapist or physical therapist assistant
based upon a material mistake of fact;

(12) Failure to display a valid license pursuant to practice as a physical therapist or
physical therapist assistant;

(13) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a
false statement in any document executed in connection with the practice of physical therapy;

(14) Soliciting patronage in person or by agents or representatives, or by any other means
or manner, under the person's own name or under the name of another person or concern, actual or
pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or
necessity for or appropriateness of physical therapy services for all patients, or the qualifications
of an individual person or persons to render, or perform physical therapy services;

(15) Using, or permitting the use of, the person's name under the designation of "physical
therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.",
"M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any
similar designation with reference to the commercial exploitation of any goods, wares or
merchandise;

(16) Knowingly making or causing to be made a false statement or misrepresentation of a
material fact, with intent to defraud, for payment under chapter 208, RSMo, or chapter 630,
RSMo, or for payment from Title XVIII or Title XIX of the federal Medicare program;

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1 (17) Failure or refusal to properly guard against contagious, infectious, or communicable
2 diseases or the spread thereof; maintaining an unsanitary facility or performing professional
3 services under unsanitary conditions; or failure to report the existence of an unsanitary condition
4 in any physical therapy facility to the board, in writing, within thirty days after the discovery
5 thereof;

6 (18) Any candidate for licensure or person licensed to practice as a physical therapist or
7 physical therapist assistant, paying or offering to pay a referral fee or, notwithstanding section
8 334.010 to the contrary, practicing or offering to practice professional physical therapy
9 independent of the prescription and direction of a person licensed and registered as a physician
10 and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor under
11 chapter 331, RSMo, as a dentist under chapter 332, RSMo, as a podiatrist under chapter 330,
12 RSMo, or any licensed and registered physician, chiropractor, dentist, or podiatrist practicing in
13 another jurisdiction, whose license is in good standing;

14 (19) Any candidate for licensure or person licensed to practice as a physical therapist or
15 physical therapist assistant, treating or attempting to treat ailments or other health conditions of
16 human beings other than by professional physical therapy and as authorized by sections 334.500
17 to 334.685;

18 (20) A pattern of personal use or consumption of any controlled substance unless it is
19 prescribed, dispensed, or administered by a physician who is authorized by law to do so;

20 (21) Failing to maintain adequate patient records under 334.602;

21 (22) Attempting to engage in conduct that subverts or undermines the integrity of the
22 licensing examination or the licensing examination process, including but not limited to utilizing
23 in any manner recalled or memorized licensing examination questions from or with any person or
24 entity, failing to comply with all test center security procedures, communicating or attempting to
25 communicate with any other examinees during the test, or copying or sharing licensing
26 examination questions or portions of questions;

27 (23) Any candidate for licensure or person licensed to practice as a physical therapist or
28 physical therapist assistant who requests, receives, participates or engages directly or indirectly in

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1 the division, transferring, assigning, rebating or refunding of fees received for professional
2 services or profits by means of a credit or other valuable consideration such as wages, an unearned
3 commission, discount or gratuity with any person who referred a patient, or with any relative or
4 business associate of the referring person;

5 (24) Being unable to practice as a physical therapist or physical therapist assistant with
6 reasonable skill and safety to patients by reasons of incompetency, or because of illness,
7 drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical
8 condition. The following shall apply to this subdivision:

9 (a) In enforcing this subdivision the board shall, after a hearing by the board, upon a
10 finding of probable cause, require a physical therapist or physical therapist assistant to submit to a
11 reexamination for the purpose of establishing his or her competency to practice as a physical
12 therapist or physical therapist assistant conducted in accordance with rules adopted for this
13 purpose by the board, including rules to allow the examination of the pattern and practice of such
14 physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental
15 or physical examination or combination thereof by a facility or professional approved by the
16 board;

17 (b) For the purpose of this subdivision, every physical therapist and physical therapist
18 assistant licensed under this chapter is deemed to have consented to submit to a mental or physical
19 examination when directed in writing by the board;

20 (c) In addition to ordering a physical or mental examination to determine competency, the
21 board may, notwithstanding any other law limiting access to medical or other health data, obtain
22 medical data and health records relating to a physical therapist, physical therapist assistant or
23 applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

24 (d) Written notice of the reexamination or the physical or mental examination shall be
25 sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the
26 physical therapist or physical therapist assistant at the physical therapist's or physical therapist
27 assistant's last known address. Failure of a physical therapist or physical therapist assistant to
28 submit to the examination when directed shall constitute an admission of the allegations against

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1 the physical therapist or physical therapist assistant, in which case the board may enter a final
2 order without the presentation of evidence, unless the failure was due to circumstances beyond the
3 physical therapist's or physical therapist assistant's control. A physical therapist or physical
4 therapist assistant whose right to practice has been affected under this subdivision shall, at
5 reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or
6 physical therapist assistant can resume the competent practice as a physical therapist or physical
7 therapist assistant with reasonable skill and safety to patients;

8 (e) In any proceeding under this subdivision neither the record of proceedings nor the
9 orders entered by the board shall be used against a physical therapist or physical therapist assistant
10 in any other proceeding. Proceedings under this subdivision shall be conducted by the board
11 without the filing of a complaint with the administrative hearing commission;

12 (f) When the board finds any person unqualified because of any of the grounds set forth in
13 this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth
14 in subsection 3 of this section.

15 3. After the filing of such complaint before the administrative hearing commission, the
16 proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a
17 finding by the administrative hearing commission that the grounds provided in subsection 2 of this
18 section for disciplinary action are met, the board may, singly or in combination:

19 (1) Warn, censure or place the physical therapist or physical therapist assistant named in
20 the complaint on probation on such terms and conditions as the board deems appropriate for a
21 period not to exceed ten years;

22 (2) Suspend the physical therapist's or physical therapist assistant's license for a period not
23 to exceed three years;

24 (3) Restrict or limit the physical therapist's or physical therapist assistant's license for an
25 indefinite period of time;

26 (4) Revoke the physical therapist's or physical therapist assistant's license;

27 (5) Administer a public or private reprimand;

28 (6) Deny the physical therapist's or physical therapist assistant's application for a license;

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1 (7) Permanently withhold issuance of a license;

2 (8) Require the physical therapist or physical therapist assistant to submit to the care,
3 counseling or treatment of physicians designated by the board at the expense of the physical
4 therapist or physical therapist assistant to be examined;

5 (9) Require the physical therapist or physical therapist assistant to attend such continuing
6 educational courses and pass such examinations as the board may direct.

7 4. In any order of revocation, the board may provide that the physical therapist or physical
8 therapist assistant shall not apply for reinstatement of the physical therapist's or physical therapist
9 assistant's license for a period of time ranging from two to seven years following the date of the
10 order of revocation. All stay orders shall toll this time period.

11 5. Before restoring to good standing a license issued under this chapter which has been in
12 a revoked, suspended, or inactive state for any cause for more than two years, the board may
13 require the applicant to attend such continuing medical education courses and pass such
14 examinations as the board may direct.

15 6. In any investigation, hearing or other proceeding to determine a physical therapist's,
16 physical therapist assistant's or applicant's fitness to practice, any record relating to any patient of
17 the physical therapist, physical therapist assistant, or applicant shall be discoverable by the board
18 and admissible into evidence, regardless of any statutory or common law privilege which such
19 physical therapist, physical therapist assistant, applicant, record custodian, or patient might
20 otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant,
21 or record custodian may withhold records or testimony bearing upon a physical therapist's,
22 physical therapist assistant's, or applicant's fitness to practice on the ground of privilege between
23 such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.

24 334.614. 1. Notwithstanding any other provisions of section 620.010, RSMo, to the
25 contrary, the board shall at least quarterly publish a list of the names and addresses of all physical
26 therapists and physical therapist assistants who hold licenses under the provisions of this chapter,
27 and shall publish a list of all physical therapists and physical therapist assistants whose licenses
28 have been suspended, revoked, surrendered, restricted, denied, or withheld.

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1 2. Notwithstanding any other provisions of section 620.010, RSMo, to the contrary, in
2 addition, the board shall prepare and make available to the public a report upon the disciplinary
3 matters submitted to them where the board recommends disciplinary action, except in those
4 instances when physical therapists and physical therapist assistants possessing licenses voluntarily
5 enter treatment and monitoring programs for purposes of rehabilitation and, in such instances,
6 only such specific action shall not be reported with any other actions taken prior to, as part of, or
7 following voluntary entrance into such treatment programs. The report shall set forth findings of
8 fact and any final disciplinary actions of the board. If the board does not recommend disciplinary
9 action, a report stating that no action is recommended shall be prepared and forwarded to the
10 complaining party.

11 334.615. 1. Upon receipt of information that the holder of any license as a physical
12 therapist or physical therapist assistant issued under this chapter may present a clear and present
13 danger to the public health and safety, the executive director shall direct that the information be
14 brought to the board in the form of sworn testimony or affidavits during a meeting of the board.

15 2. The board may issue an order suspending or restricting the holder of a license as a
16 physical therapist or physical therapist assistant if it believes:

17 (1) The licensee's acts, conduct, or condition may have violated subsection 2 of section
18 334.613; and

19 (2) A licensee is practicing, attempting, or intending to practice in Missouri; and

20 (3) (a) A licensee is unable by reason of any physical or mental condition to receive and
21 evaluate information or to communicate decisions to the extent that the licensee's condition or
22 actions significantly affect the licensee's ability to practice; or

23 (b) Another state, territory, federal agency, or country has issued an order suspending or
24 restricting the physical therapist's or physical therapist assistant's right to practice his or her
25 profession; or

26 (c) The licensee has engaged in repeated acts of life-threatening negligence as defined in
27 subsection 2 of section 334.613; and

28 (4) The acts, conduct, or condition of the licensee constitute a clear and present danger to

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1 the public health and safety.

2 3. (1) The order of suspension or restriction:

3 (a) Shall be based on the sworn testimony or affidavits presented to the board;

4 (b) May be issued without notice and hearing to the licensee;

5 (c) Shall include the facts which lead the board to conclude that the acts, conduct, or
6 condition of the licensee constitute a clear and present danger to the public health and safety.

7 (2) The board or the administrative hearing commission shall serve the licensee, in person
8 or by certified mail, with a copy of the order of suspension or restriction and all sworn testimony
9 or affidavits presented to the board, a copy of the complaint and the request for expedited hearing,
10 and a notice of the place of and the date upon which the preliminary hearing will be held.

11 (3) The order of restriction shall be effective upon service of the documents required in
12 subdivision (2) of this subsection.

13 (4) The order of suspension shall become effective upon the entry of the preliminary order
14 of the administrative hearing commission.

15 (5) The licensee may seek a stay order from the circuit court of Cole County from the
16 preliminary order of suspension, pending the issuance of a final order by the administrative
17 hearing commission.

18 4. The board shall file a complaint in the administrative hearing commission with a
19 request for expedited preliminary hearing and shall certify the order of suspension or restriction
20 and all sworn testimony or affidavits presented to the board. Immediately upon receipt of a
21 complaint filed under this section, the administrative hearing commission shall set the place and
22 date of the expedited preliminary hearing which shall be conducted as soon as possible, but not
23 later than five days after the date of service upon the licensee. The administrative hearing
24 commission shall grant a licensee's request for a continuance of the preliminary hearing; however,
25 the board's order shall remain in full force and effect until the preliminary hearing, which shall be
26 held not later than forty-five days after service of the documents required in subdivision (2) of
27 subsection 3 of this section.

28 5. At the preliminary hearing, the administrative hearing commission shall receive into

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1 evidence all information certified by the board and shall only hear evidence on the issue of
2 whether the board's order of suspension or restriction should be terminated or modified. Within
3 one hour after the preliminary hearing, the administrative hearing commission shall issue its oral
4 or written preliminary order, with or without findings of fact and conclusions of law, that adopts,
5 terminates, or modifies the board's order. The administrative hearing commission shall reduce to
6 writing any oral preliminary order within five business days, but the effective date of the order
7 shall be the date orally issued.

8 6. The preliminary order of the administrative hearing commission shall become a final
9 order and shall remain in effect for three years unless either party files a request for a full hearing
10 on the merits of the complaint filed by the board within thirty days from the date of the issuance
11 of the preliminary order of the administrative hearing commission.

12 7. Upon receipt of a request for full hearing, the administrative hearing commission shall
13 set a date for hearing and notify the parties in writing of the time and place of the hearing. If a
14 request for full hearing is timely filed, the preliminary order of the administrative hearing
15 commission shall remain in effect until the administrative hearing commission enters an order
16 terminating, modifying, or dismissing its preliminary order or until the board issues an order of
17 discipline following its consideration of the decision of the administrative hearing commission
18 under section 621.110, RSMo, and subsection 3 of section 334.100.

19 8. In cases where the board initiates summary suspension or restriction proceedings
20 against a physical therapist or physical therapist assistant licensed under this chapter, and such
21 petition is subsequently denied by the administrative hearing commission, in addition to any
22 award made under sections 536.085 and 536.087, RSMo, the board, but not individual members
23 of the board, shall pay actual damages incurred during any period of suspension or restriction.

24 9. Notwithstanding the provisions of this chapter or chapter 610, RSMo, or chapter 621,
25 RSMo, to the contrary, the proceedings under this section shall be closed and no order shall be
26 made public until it is final, for purposes of appeal.

27 10. The burden of proving the elements listed in subsection 2 of this section shall be upon
28 the state board of registration for the healing arts.

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1 334.616. 1. A license issued under this chapter by the Missouri state board of registration
2 for the healing arts shall be automatically revoked at such time as the final trial proceedings are
3 concluded whereby a licensee has been adjudicated and found guilty, or has entered a plea of
4 guilty or nolo contendere, in a felony criminal prosecution under the laws of the state of Missouri,
5 the laws of any other state, or the laws of the United States of America for any offense reasonably
6 related to the qualifications, functions or duties of their profession, or for any felony offense, an
7 essential element of which is fraud, dishonesty or an act of violence, or for any felony offense
8 involving moral turpitude, whether or not sentence is imposed, or, upon the final and
9 unconditional revocation of the license to practice their profession in another state or territory
10 upon grounds for which revocation is authorized in this state following a review of the record of
11 the proceedings and upon a formal motion of the state board of registration for the healing arts.
12 The license of any such licensee shall be automatically reinstated if the conviction or the
13 revocation is ultimately set aside upon final appeal in any court of competent jurisdiction.

14 2. Anyone who has been denied a license, permit, or certificate to practice in another state
15 shall automatically be denied a license to practice in this state. However, the board of healing arts
16 may set up other qualifications by which such person may ultimately be qualified and licensed to
17 practice in Missouri.

18 334.617. 1. Upon application by the board and the necessary burden having been met, a
19 court of general jurisdiction may grant an injunction, restraining order, or other order as may be
20 appropriate to enjoin a person from:

21 (1) Offering to engage or engaging in the performance of any acts or practices for which a
22 license is required by chapters 334.500 to 334.687 upon a showing that such acts or practices were
23 performed or offered to be performed without a license; or

24 (2) Engaging in any practice or business authorized by a license issued under chapters
25 334.500 to 334.687 upon a showing that the holder presents a substantial probability of serious
26 danger to the health, safety, or welfare of any resident of the state or client or patient of the
27 licensee.

28 2. Any such action shall be commenced in the county in which such conduct occurred or

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1 in the county in which the defendant resides or Cole County.

2 3. Any action brought under this section shall be in addition to and not in lieu of any
3 penalty provided by chapters 334.500 to 334.687 and may be brought concurrently with other
4 actions to enforce chapters 334.500 to 334.687.

5 334.618. Upon receiving information that any provision of sections 334.500 to 334.687
6 has been or is being violated, the executive director of the board or other person designated by the
7 board shall investigate, and upon probable cause appearing, the executive director shall, under the
8 direction of the board, file a complaint with the administrative hearing commission or appropriate
9 official or court. All such complaints shall be handled as provided by rule promulgated under
10 subdivision (6) of subsection 16 of section 620.010, RSMo.

11 334.650. 1. After January 1, 1997, no person shall hold himself or herself out as being a
12 physical therapist assistant in this state unless the person is licensed as provided in sections
13 334.650 to 334.685.

14 2. A licensed physical therapist shall direct and supervise a physical therapist assistant [at
15 all times. The licensed physical therapist shall have the responsibility of supervising the physical
16 therapy treatment program]. The physical therapist shall retain ultimate authority and
17 responsibility for the physical therapy treatment. The licensed physical therapist shall have the
18 responsibility of supervising the physical therapy treatment program. No physical therapist may
19 establish a treating office in which the physical therapist assistant is the primary care provider.
20 No licensed physical therapist shall have under their direct supervision more than four full-time
21 equivalent physical therapist assistants.

22 334.655. 1. A candidate for licensure to practice as a physical therapist assistant shall be
23 at least nineteen years of age. A candidate shall furnish evidence of the person's good moral
24 character and of the person's educational qualifications. The educational requirements for
25 licensure as a physical therapist assistant are:

- 26 (1) A certificate of graduation from an accredited high school or its equivalent; and
27 (2) Satisfactory evidence of completion of an associate degree program of physical
28 therapy education accredited by the commission on accreditation of physical therapy education.

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2. Persons desiring to practice as a physical therapist assistant in this state shall appear before the board at such time and place as the board may direct and be examined as to the person's fitness to engage in such practice. Applications for examination shall be [in writing,] on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications provided in subsection 1 of this section. Each application shall contain a statement that the statement is made under oath of affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the statement, subject to the penalties of making a false affidavit or declaration.

3. The examination of qualified candidates for licensure to practice as physical therapist assistants shall embrace [a written] an examination [and] which shall cover the curriculum taught in accredited associate degree programs of physical therapy assistant education. Such examination shall be sufficient to test the qualification of the candidates as practitioners.

4. [The board shall not issue a license to practice as a physical therapist assistant or allow any person to sit for the Missouri state board examination for physical therapist assistants who has failed three or more times any physical therapist licensing examination administered in one or more states or territories of the United States or the District of Columbia.

5. The board may waive the provisions of subsection 4 if the applicant has met one of the following provisions: the applicant is licensed and has maintained an active clinical practice for the previous three years in another state of the United States, the District of Columbia or Canada and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States, the District of Columbia and no license issued to the applicant has been disciplined or limited in any state or territory of the United States, the District of Columbia or Canada.

6.] The examination shall include, as related to the human body, the subjects of anatomy, kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as related to medicine and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice as a physical therapist assistant.

5. The applicant shall pass a test administered by the board on the laws and rules related

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1 to the practice as a physical therapist assistant in this state.

2 [7.] 6. The board shall license without examination any legally qualified person who is a
3 resident of this state and who was actively engaged in practice as a physical therapist assistant on
4 August 28, 1993. The board may license such person pursuant to this subsection until ninety days
5 after the effective date of this section.

6 [8.] 7. A candidate to practice as a physical therapist assistant who does not meet the
7 educational qualifications may submit to the board an application for examination if such person
8 can furnish written evidence to the board that the person has been employed in this state for at
9 least three of the last five years under the supervision of a licensed physical therapist and such
10 person possesses the knowledge and training equivalent to that obtained in an accredited school.
11 The board may license such persons pursuant to this subsection until ninety days after rules
12 developed by the state board of healing arts regarding physical therapist assistant licensing
13 become effective.

14 334.660. 1. The board shall license without examination legally qualified persons who
15 [hold] possess active certificates of licensure, registration or certification in any state or territory
16 of the United States or the District of Columbia, who have had no violations, suspensions or
17 revocations of such license, registration or certification, if such persons have passed [a written] an
18 examination to practice as a physical therapist assistant that was substantially equal to the
19 examination requirements of this state and in all other aspects, including education, the
20 requirements for such certificates of licensure, registration or certification were, at the date of
21 issuance, substantially equal to the requirements for licensure in this state.

22 2. [The board shall not issue a license to any applicant who has failed three or more times
23 any physical therapist assistant licensing examination administered in one or more states or
24 territories of the United States or the District of Columbia.

25 3. The board may waive the provisions of subsection 1 if the applicant has met one of the
26 following provisions: the applicant is licensed and has maintained an active clinical practice for
27 the previous three years in another state of the United States, the District of Columbia or Canada
28 and the applicant has achieved a passing score on a licensing examination administered in a state

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1 or territory of the United States, the District of Columbia and no license issued to the applicant
2 has been disciplined or limited in any state or territory of the United States, the District of
3 Columbia or Canada.

4 4.] Every applicant for a license pursuant to this section, upon making application and
5 providing documentation of the necessary qualifications as provided in this section, shall pay the
6 same fee required of applicants to take the examination before the board. Within the limits of this
7 section, the board may negotiate reciprocal contracts with licensing boards of other states for the
8 admission of licensed practitioners from Missouri in other states.

9 3. The applicant shall successfully pass a test administered by the board on the laws and
10 rules related to practice as a physical therapist assistant in this state.

11 334.665. 1. An applicant who has not been previously examined in another jurisdiction
12 and meets the qualifications of subsection 1 of section 334.655 or an applicant applying for
13 reinstatement of an inactive license under a supervised active practice may pay a temporary
14 license fee and submit an agreement-to-supervise form which is signed by the applicant's
15 supervising physical therapist to the board and obtain without examination a nonrenewable
16 temporary license. Such temporary licensee may only practice under the supervision of a licensed
17 physical therapist. The supervising physical therapist shall hold an unencumbered license to
18 practice physical therapy in the state of Missouri and shall provide the board proof of active
19 clinical practice in the state of Missouri for a minimum of one year prior to supervising the
20 temporary licensee. The supervising physical therapist shall not be an immediate family member
21 of the applicant. The board shall define immediate family member and the scope of such
22 supervision by rule. The supervising physical therapist for the first-time examinee applicant shall
23 submit to the board a signed notarized form prescribed by the board attesting that the applicant for
24 temporary license shall begin employment at a location in this state within seven days of issuance
25 of the temporary license. The supervising physical therapist shall notify the board within three
26 days if the temporary licensee's employment ceases. A licensed physical therapist shall supervise
27 no more than one temporary licensee. [The board shall define the scope of such supervision by
28 rules and regulations.]

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1 2. The temporary license for the first-time examinee applicant shall expire on [either] the
2 date the applicant receives the results of the applicant's initial examination, the date the applicant
3 withdraws from sitting for the examination, the date the board is notified by the supervising
4 physical therapist that the temporary licensee's employment has ceased, or within ninety days of
5 its issuance, whichever occurs first.

6 3. The temporary license for the reinstatement applicant under the supervised active
7 practice shall expire effective one year from the date of issuance.

8 334.670. The board shall charge a person, who applies for examination for a license to
9 practice as a physical therapist assistant, an examination fee. If the person does not score a
10 passing grade on the examination, the board may refuse to issue a license. Any applicant who
11 fails to pass the examination may reapply and be reexamined upon payment of a reexamination
12 fee. [No temporary license may be issued to any person who has previously failed the
13 examination in Missouri or any other state or jurisdiction.]

14 334.675. 1. Every person licensed pursuant to sections 334.650 to 334.685 shall, on or
15 before the licensing renewal date, apply to the board for a certificate of licensure for the next
16 licensing period. The application for renewal shall be made under oath on a form furnished to the
17 applicant [and shall state] by the board. The application shall include, but not be limited to,
18 disclosure of the following:

19 _____ (1) The applicant's full name [and the address at which the applicant practices and the
20 address at which the applicant resides and];

21 _____ (2) The applicant's office address or addresses and telephone number or numbers;

22 _____ (3) The applicant's home address and telephone number;

23 _____ (4) The date and number of the applicant's license;

24 _____ (5) All final disciplinary actions taken against the applicant by any professional
25 association or society, licensed hospital or medical staff of the hospital, physical therapy facility,
26 state, territory, federal agency or country; and

27 _____ (6) Information concerning the applicant's current physical and mental fitness to practice
28 the applicant's profession.

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1 The applicant may be required to successfully complete a test administered by the board on the
2 laws and rules related to the practice of physical therapy in this state. The test process, dates, and
3 passing scores shall be established by the board by rule.

4 2. A [blank application form] notice shall be [mailed] made available to each person
5 licensed in this state [pursuant to sections 334.650 to 334.685 at the person's last known address
6 of practice or residence. The failure to mail the application for or the failure to receive the
7 application form]. The failure to receive the notice does not relieve any person of the duty to
8 renew the person's license and pay the renewal fee as required by sections 334.650 to 334.685 nor
9 shall it exempt the person from the penalties provided by sections 334.650 to 334.685 for failure
10 to renew a license.

11 3. If a physical therapist assistant does not renew such license for two consecutive renewal
12 periods, such license shall be deemed voided.

13 4. Each applicant for registration shall accompany the application for registration with a
14 registration fee to be paid to the director of revenue for the licensing period for which registration
15 is sought.

16 5. If the application is filed and the fee paid after the registration renewal date, a
17 delinquent fee shall be paid; except that, if in the opinion of the board the applicant's failure to
18 register is caused by extenuating circumstances, including illness of the applicant as defined by
19 rule, the delinquent fee may be waived by the board.

20 6. Upon due application therefore and upon submission by such person of evidence
21 satisfactory to the board that he or she is licensed to practice in this state and upon the payment of
22 fees required to be paid by this chapter, the board shall issue to such person a certificate of
23 registration. The certificate of registration shall contain the name of the person to whom it is
24 issued and his or her office address, the expiration date, and the number of the license to practice.

25 7. Upon receiving such certificate, every person shall cause it to be readily available or
26 conspicuously displayed at all times in every practice location maintained by such licensee in the
27 state. If the licensee maintains more than one practice location in this state, the board shall
28 without additional fee issue to them duplicate certificates of registration for each practice location

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1 so maintained. If any licensee changes practice locations during the period for which any
2 certificate of registration has been issued, such licensee shall, within fifteen days thereafter, notify
3 the board of such change and the board shall issue to the licensee, without additional fee, a new
4 registration certificate showing the new location.

5 8. Whenever any new license is granted to any physical therapist or physical therapist
6 assistant under the provisions of this chapter, the board shall, upon application therefore, issue to
7 such physical therapist or physical therapist assistant a certificate of registration covering a period
8 from the date of the issuance of the license to the next renewal date without the payment of any
9 registration fee.

10 334.686. Any person who holds himself or herself out to be a physical therapist assistant
11 or a licensed physical therapist assistant within this state or any person who advertises as a
12 physical therapist assistant and who, in fact, does not hold a valid physical therapist assistant
13 license is guilty of a class B misdemeanor and, upon conviction, shall be punished as provided by
14 law. Any person who, in any manner, represents himself or herself as a physical therapist
15 assistant, or who uses in connection with such person's name the words or letters, "physical
16 therapist assistant", the letters "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any other letters, words,
17 abbreviations or insignia, indicating or implying that the person is a physical therapist assistant
18 without a valid existing license as a physical therapist assistant issued to such person under the
19 provisions of sections 334.500 to 334.620, is guilty of a class B misdemeanor. This section shall
20 not apply to physicians and surgeons licensed under this chapter or to a person in an entry level of
21 a professional education program approved by the Commission for Accreditation of Physical
22 Therapists and Physical Therapist Assistant Education (CAPTE) who is satisfying supervised
23 clinical education requirements related to the person's physical therapist or physical therapist
24 assistant education while under onsite supervision of a physical therapist; or to a physical therapist
25 who is practicing in the United States Armed Forces, United States Public Health Service, or
26 Veterans Administration under federal regulations for state licensure for health care providers.

27 334.687. 1. For purposes of this section, the licensing of physical therapists and physical
28 therapist assistants shall take place within processes established by the state board of registration

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1 for the healing arts through rules. The board of healing arts is authorized to adopt rules
2 establishing licensing and renewal procedures, supervision of physical therapist assistants, and
3 former licensees who wish to return to the practice of physical therapy, fees, and addressing such
4 other matters as are necessary to protect the public and discipline the profession." and

5 Further amend said bill, Page 61, Section 334.735, Line 36, by inserting immediately after
6 the word "section" the following:

7 "For the purposes of this section, the percentage of time a physician assistant provides
8 patient care with the supervising physician on-site shall be measured each calendar quarter." and

9 Further amend said Section, Page 62, Line 64, by inserting after the word "area" the
10 following:

11 ";

12 (5) Nothing in this section shall be construed to require a physician-physician assistant
13 team to increase their on-site requirement allowed in their initial waiver in order to qualify for
14 renewal of such waiver."; and

15 Further amend said bill, Page 76, Section 338.130, Line 10 by inserting after said line the
16 following:

17 "339.010. 1. A "real estate broker" is any person, partnership, association, or corporation,
18 foreign or domestic who, for another, and for a compensation or valuable consideration, does, or
19 attempts to do, any or all of the following:

- 20 (1) Sells, exchanges, purchases, rents, or leases real estate;
21 (2) Offers to sell, exchange, purchase, rent or lease real estate;
22 (3) Negotiates or offers or agrees to negotiate the sale, exchange, purchase, rental or
23 leasing of real estate;
24 (4) Lists or offers or agrees to list real estate for sale, lease, rental or exchange;
25 (5) Buys, sells, offers to buy or sell or otherwise deals in options on real estate or
26 improvements thereon;
27 (6) Advertises or holds himself or herself out as a licensed real estate broker while
28 engaged in the business of buying, selling, exchanging, renting, or leasing real estate;
29 (7) Assists or directs in the procuring of prospects, calculated to result in the sale,
-

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1 exchange, leasing or rental of real estate;

2 (8) Assists or directs in the negotiation of any transaction calculated or intended to result
3 in the sale, exchange, leasing or rental of real estate;

4 (9) Engages in the business of charging to an unlicensed person an advance fee in
5 connection with any contract whereby the real estate broker undertakes to promote the sale of that
6 person's real estate through its listing in a publication issued for such purpose intended to be
7 circulated to the general public;

8 (10) Performs any of the foregoing acts [as an employee of, or] on behalf of[,] the owner
9 of real estate, or interest therein, or improvements affixed thereon, for compensation.

10 2. A "real estate salesperson" is any person who for a compensation or valuable
11 consideration becomes associated, either as an independent contractor or employee, either directly
12 or indirectly, with a real estate broker to do any of the things above mentioned. The provisions of
13 sections 339.010 to 339.180 and sections 339.710 to 339.860 shall not be construed to deny a real
14 estate salesperson who is compensated solely by commission the right to be associated with a
15 broker as an independent contractor.

16 3. The term "commission" as used in sections 339.010 to 339.180 and sections 339.710 to
17 339.860 means the Missouri real estate commission.

18 4. "Real estate" for the purposes of sections 339.010 to 339.180 and sections 339.710 to
19 339.860 shall mean, and include, leaseholds, as well as any other interest or estate in land,
20 whether corporeal, incorporeal, freehold or nonfreehold, and the real estate is situated in this state.

21
22 5. "Advertising" shall mean any communication, whether oral or written, between a
23 licensee or other entity acting on behalf of one or more licensees and the public; it], and shall
24 include, but not be limited to, business cards, signs, insignias, letterheads, radio, television,
25 newspaper and magazine ads, Internet advertising, web sites, display or group ads in telephone
26 directories, and billboards.

27 6. The provisions of sections 339.010 to 339.180 and sections 339.710 to 339.860 shall
28 not apply to:

29 (1) Any person, partnership, association, or corporation who as owner, lessor, or lessee

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1 shall perform any of the acts described in subsection 1 of this section with reference to property
2 owned or leased by them, or to the regular employees thereof[, provided such owner, lessor, or
3 lessee is not engaged in the real estate business];

4 (2) Any licensed attorney-at-law;

5 (3) An auctioneer employed by the owner of the property;

6 (4) Any person acting as receiver, trustee in bankruptcy, administrator, executor, or
7 guardian or while acting under a court order or under the authority of a will, trust instrument or
8 deed of trust or as a witness in any judicial proceeding or other proceeding conducted by the state
9 or any governmental subdivision or agency;

10 (5) Any person employed or retained to manage real property by, for, or on behalf of the
11 agent or the owner of any real estate shall be exempt from holding a license, if the person is
12 limited to one or more of the following activities:

13 (a) Delivery of a lease application, a lease, or any amendment thereof, to any person;

14 (b) Receiving a lease application, lease, or amendment thereof, a security deposit, rental
15 payment, or any related payment, for delivery to, and made payable to, a broker or owner;

16 (c) Showing a rental unit to any person, as long as the employee is acting under the direct
17 instructions of the broker or owner, including the execution of leases or rental agreements;

18 (d) Conveying information prepared by a broker or owner about a rental unit, a lease, an
19 application for lease, or the status of a security deposit, or the payment of rent, by any person;

20 (e) Assisting in the performance of brokers' or owners' functions, administrative, clerical
21 or maintenance tasks;

22 (f) If the person described in this section is employed or retained by, for, or on behalf of a
23 real estate broker, the real estate broker shall be subject to discipline under this chapter for any
24 conduct of the person that violates this chapter or the regulations promulgated thereunder;

25 (6) Any officer or employee of a federal agency or the state government or any political
26 subdivision thereof performing official duties;

27 (7) Railroads and other public utilities regulated by the state of Missouri, or their
28 subsidiaries or affiliated corporations, or to the officers or regular employees thereof, unless
29 performance of any of the acts described in subsection 1 of this section is in connection with the

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1 sale, purchase, lease or other disposition of real estate or investment therein unrelated to the
2 principal business activity of such railroad or other public utility or affiliated or subsidiary
3 corporation thereof;

4 (8) Any bank, trust company, savings and loan association, credit union, insurance
5 company, mortgage banker, or farm loan association organized under the laws of this state or of
6 the United States when engaged in the transaction of business on its own behalf and not for
7 others;

8 (9) Any newspaper, magazine, periodical, Internet site, Internet communications, or any
9 form of communications regulated or licensed by the Federal Communications Commission or
10 any successor agency or commission whereby the advertising of real estate is incidental to its
11 operation;

12 (10) Any developer selling Missouri land owned by the developer;

13 (11) Any employee acting on behalf of a nonprofit community, or regional economic
14 development association, agency or corporation which has as its principal purpose the general
15 promotion and economic advancement of the community at large, provided that such entity:

16 (a) Does not offer such property for sale, lease, rental or exchange on behalf of another
17 person or entity;

18 (b) Does not list or offer or agree to list such property for sale, lease, rental or exchange;
19 or

20 (c) Receives no fee, commission or compensation, either monetary or in kind, that is
21 directly related to sale or disposal of such properties. An economic developer's normal annual
22 compensation shall be excluded from consideration as commission or compensation related to
23 sale or disposal of such properties; or

24 (12) Any neighborhood association, as that term is defined in section 441.500, RSMo,
25 that without compensation, either monetary or in kind, provides to prospective purchasers or
26 lessors of property the asking price, location, and contact information regarding properties in and
27 near the association's neighborhood, including any publication of such information in a newsletter,
28 Internet site, or other medium."; and

29 Further amend said bill, Page 77, Section 339.120, Line 61 by inserting after said line the

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1 following:

2 "339.150. 1. No real estate broker shall knowingly employ or engage any person to
3 perform any service to the broker for which licensure as a real estate broker or a real estate
4 salesperson is required pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860,
5 unless such a person is:

6 (1) A licensed real estate salesperson or a licensed real estate broker as required by
7 section 339.020[,]; or

8 (2) For a transaction involving commercial real estate as defined in section 339.710, a
9 person regularly engaged in the real estate brokerage business outside the state of Missouri who
10 has, in such forms as the commission may adopt by rule:

11 (a) Executed a brokerage agreement with the Missouri real estate broker;

12 (b) Consented to the jurisdiction of Missouri and the commission;

13 (c) Consented to disciplinary procedures under section 339.100; and

14 (d) Appointed the commission as his or her agent for service of process regarding any
15 administrative or legal actions relating to the conduct in Missouri; or

16 (3) For any other transaction, a person regularly engaged in the real estate brokerage
17 business outside of the state of Missouri.

18
19 Any such action shall be unlawful as provided by section 339.100 and shall be grounds for
20 investigation, complaint, proceedings and discipline as provided by section 339.100.

21 2. No real estate licensee shall pay any part of a fee, commission or other compensation
22 received by the licensee to any person for any service rendered by such person to the licensee in
23 buying, selling, exchanging, leasing, renting or negotiating a loan upon any real estate, unless such
24 a person is a licensed real estate salesperson regularly associated with such a broker, or a licensed
25 real estate broker, or a person regularly engaged in the real estate brokerage business outside of
26 the state of Missouri.

27 3. Notwithstanding the provisions of subsections 1 and 2 of this section, any real estate
28 broker who shall refuse to pay any person for services rendered by such person to the broker, with
29 the consent, knowledge and acquiescence of the broker that such person was not licensed as

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1 required by section 339.020, in buying, selling, exchanging, leasing, renting or negotiating a loan
2 upon any real estate for which services a license is required, and who is employed or engaged by
3 such broker to perform such services, shall be liable to such person for the reasonable value of the
4 same or similar services rendered to the broker, regardless of whether or not the person possesses
5 or holds any particular license, permit or certification at the time the service was performed. Any
6 such person may bring a civil action for the reasonable value of his services rendered to a broker
7 notwithstanding the provisions of section 339.160."; and

8
9 Further amend said bill by amending the title, enacting clause, and intersectional references
10 accordingly.
11

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